

STAFF REPORT

DATE: November 20, 2019

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T19SA00428

**C10-19-18 SCUPIN RESIDENCE NEW GARAGE / PATRICK SCUPIN / 2440
SOUTH CALLE CORDOVA / R-1**

The applicant's property is an approximately 8,000 square foot lot zoned R-1, and is developed with a single-family residence. The applicant is proposing to convert an existing attached carport to a garage and expand it towards the east lot line.

THE APPLICANT'S REQUEST TO THE BOARD

The applicant is requesting the following variance:

- 1) Allow the garage to be constructed with a front street perimeter yard setback reduced from 21' to 10' as measured to the east lot line, all as shown on the submitted plans.

APPLICABLE TUCSON ZONING CODE SECTIONS

Tucson *Unified Development Code (UDC)* sections applicable to this project include, in part, the following:

Section 4.7.8 *Residence Zone (R-1)* and Table 4.8-2 *Permitted Uses – Urban Residential Zones*, which provides the use criteria in the R-1 zone; and

Sections 6.3.4 *Dimensional Standards and Exceptions Tables*, 6.4.5 *Perimeter Yards* and Table 6.3-2.A *Dimensional Standards for the R-1, R-2, R-3, MH-1, & MH-2 Zones Zone*, which provides the dimensional standards applicable to all principal and accessory structures.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED R-1; (single-family residential)

North: Zoned R-1; (single-family residential)

South: Zoned R-1; (single-family residential)

East: Zoned R-1; (single-family residential)

West: Zoned R-1; (single-family residential)

RELATED PLAN REVIEWS

Engineering

The Engineering Section of Planning and Development Services Department has no objection/adverse comments.

BOARD OF ADJUSTMENT FINDINGS

The Board of Adjustment can hear and decide a variance request from the regulations listed in the Unified Development Code. The Board may grant a variance only if it finds the following:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.
3. That the variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
4. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.
5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

ZONING ADMINISTRATION CONSIDERATIONS

The applicant's property is an approximately 8,000 square foot lot zoned R-1, and is developed with a single-family residence. The applicant is proposing to convert an existing attached carport to a garage and expand it towards the east lot line. The construction triggers compliance with Tucson *Unified Development Code (UDC)* sections applicable to the new construction.

Attached Garage

Per *UDC* Sections 6.3.4, 6.4.5, and Table 6.3-2.A, based on a wall height of 14', the required front street setback for the attached garage is 21' as measured from the front street lot line to the garage. The applicant is requesting a variance to reduce the front street setback to 10'.

Discussion

The property is located in an established neighborhood consisting of single-family homes constructed with attached carports or garages. The applicant's project consists of converting an existing attached carport to a garage. The garage is intended to provide security for personal vehicles as well as a work and storage space within an enclosed building. The garage will extend closer to the front street lot line in order to accommodate a full-size truck. Currently, the carport does not meet the 20' setback and the vehicles still project out approximately 3' to 4' from the carport. The extension of the garage is also driven by the requirement to provide egress between the existing bedroom window and garage. The height of the garage facing the street will be 14' tall. As stated in the application, the height will accommodate a small lift and overhead storage space, which will prevent the need for additional floor space. The location of the garage is logical as this is where parking currently exists with driveway access. Building the garage in the rear yard would not be feasible due to the existing overhead power lines, a large swimming pool and the lack of access.

The neighborhood, as observed during the scheduled site visit, consists of many homes with attached carports or garages. Some carports or garages were converted to living space. Many of these carports and garages appeared to have just enough room for a parking space in front of them which means that the current front street setback of 20' may not be met. The request for a reduction of the front street setback for a garage is not out of character with the neighborhood.

Conclusion

Given that there are special circumstances such as existing site conditions and required egress between the existing bedroom window and garage; and that garages are common in the neighborhood and therefore would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone; and that the proposal is the minimum requested to afford relief given the design is driven on site constraints and maximizing the use of existing building and parking space, staff has no objection to the requested variance.

NEIGHBORHOOD CONTACT (BY APPLICANT)

See the attached neighborhood notification dated September 25, 2019 and the summary of the onsite meeting dated October 10, 2019.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff has no objection to the applicant's requested variance. Should the board grant the variance, staff recommends the following condition:

- A. No parking in the area between the garage and the front street lot line.

It is staff's opinion that there are physical circumstances applicable to the property; and that the proposed garage would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone; and would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

Mark Castro, Lead Planner
for
Russlyn Wells, Zoning Administrator

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